

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. McTIGUE  
DIRECTOR

October 19, 1993  
AO-93-21

Karen B. Corcoran, Treasurer  
Committee to Elect Phil Whitten  
13 Doaks Lane  
Marblehead, MA 01945

RE: Use of Political Funds for Telephone Line and Answering  
Machine

Dear Ms. Corcoran:

This letter is in response to your June 19, 1993 letter requesting an advisory opinion regarding the use of political committee funds to purchase a telephone line and answering machine for a candidate's home so that he may make and receive campaign and constituent related calls. I am sorry for the delay in my answer.

The facts as you have related them to us in your correspondence and by subsequent discussions with this office's assistant counsel, Steve Gordon, are as follows. On May 10, 1993, Dr. Phillip Whitten won a seat on the Marblehead School Committee. This position requires significant contact with constituents and potential voters. In order for Dr. Whitten to serve his constituents effectively and to enhance his political future he has determined the need to keep a second telephone line and answering machine exclusively for such purposes.

The campaign finance law requires that all expenditures by a political committee organized on behalf of an individual candidate must be made for the purpose of enhancing that candidate's political future.<sup>1</sup> In addition, as a result of a recent amendment to the campaign finance law, a political committee may make expenditures for legislative or constituent services. See M.G.L. c.55, s.6 as amended by s.379 of c.133 of the Acts of 1992. Since the telephone line and answering machine would be used by Dr. Whitten to keep in contact with potential voters and allow him to respond to inquiries and requests of his constituents, the use of political committee funds for this purpose would be permissible.

You should be aware, however, that s.6 also prohibits the use of political funds for expenditures that are primarily personal.

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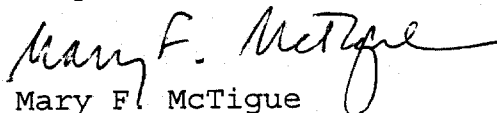
1. Expenditures designed to enhance a candidate's political future must also bear a reasonable connection to the candidate's nomination or election to public office. See M.G.L. c.55, s.1.

Therefore, the telephone line and machine should not be used for any of Dr. Whitten's personal business. Any incidental personal use that may occur must be reimbursed to the committee in compliance with 970 CMR 2.07(2).

This opinion has been rendered solely on the basis of representations made in your letter and subsequent conversations with this office's staff and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Very truly yours,

  
Mary F. McTigue  
Director